

# CUTTING DRUNK DRIVING



# Michigan's tough drunk driving laws

When you drive after using alcohol or other drugs, you endanger yourself, your passengers and other motorists. Each year, thousands of people are killed or permanently disabled because someone drove while intoxicated. Michigan takes a strong stand against drivers who abuse alcohol or other chemical substances and drive.

## Under Michigan law, it is illegal to drive:

- While intoxicated or impaired by alcohol, illegal drugs and certain prescribed medications.
- With a bodily alcohol content of 0.08 or more.
- With the presence of a Schedule 1 drug or cocaine.

## If you are under age 21, it is against the law:

- To drive with a bodily alcohol content of 0.02 or greater, or have any presence of alcohol other than that consumed at a generally recognized religious ceremony.
- To buy, possess or consume alcoholic beverages. You may transport alcohol in a vehicle only when accompanied by an adult age 21 or older.
- To have alcohol in your vehicle when there is no adult accompanying you. If you are caught, you can be charged with a misdemeanor, whether you're on the road or in a parking lot.



## Alcohol, drugs and driving do not mix. The following pointers could save your life or the life of someone you know.

- If you have been drinking or using drugs, ask someone for a ride, call a taxi, use public transportation or seek other assistance.
- If someone you know has been drinking or using drugs, do not let him or her drive. Find a designated driver, call a taxi or insist that the person use public transportation.
- If necessary, take away a person's car keys and offer him or her a place to sleep. Be sure drivers are sober before they get behind the wheel.
- Never ride with anyone who has been drinking or using drugs.

## If you drink and drive:

Drunk drivers face swift and tough action under Michigan's drunk driving laws. The laws:

- Require courts to decide drunk driving cases within 77 days after an arrest.
- Require a mandatory six-month driver's license suspension, even for a first conviction. Drivers may be eligible to receive a restricted license after serving 30 days of the suspension.
- Require five days to one year of jail time, 30 to 90 days of community service or both for a second conviction of drunk driving.
- Include a felony for a conviction for drunk driving that causes death.



- Include a felony for a conviction for drunk driving that causes a serious injury to another.
- Require fines for a conviction of driving while a driver's license is suspended or revoked of up to \$500 for a first offense, and \$1,000 for an additional offense.
- Do not allow hardship appeals for habitual alcohol offenders.
- Require a \$125 reinstatement fee if your driver's license was suspended, revoked or restricted.
- Require a Driver Responsibility Fee of \$1,000 for two consecutive years for driving while intoxicated, and a \$500 fee for two consecutive years for driving while impaired, with the presence of a Schedule 1 drug or cocaine, under the Zero Tolerance law or for child endangerment.

## If law enforcement pulls you over:

- You may be asked to take a Preliminary Breath Test (PBT). Refuse and you will be charged with a civil infraction and fined up to \$150, plus court costs.
- If you are under age 21 and refuse a PBT, you will receive two points on your driving record.
- If you are arrested, you must take the evidentiary chemical (blood, breath or urine) test -- even if you have already taken the PBT.
- If you refuse the chemical test, you receive six points and a one-year license suspension.



- A second arrest and refusal within seven years adds six more points to your driving record and a two-year license suspension.
- If you refuse the chemical test and your bodily alcohol content is 0.08 or more, your driver's license will be cut up and you will be issued a 625g paper permit to replace your photo license until your case is resolved in court.

## If you are caught drinking or using drugs and driving, you can be charged with:

- **Operating While Visibly Impaired (OWVI)**, which means that because of alcohol or other drugs in your body, your ability to operate a motor vehicle was visibly impaired.
- **Operating While Intoxicated (OWI)**, which means the alcohol or drugs in your body substantially affected your ability so you could not operate a motor vehicle safely. It can also mean that a chemical test indicated your bodily alcohol content was 0.08 or higher.
- **Operating With The Presence of a Schedule 1 Drug or Cocaine**, which means having even a small trace of these drugs in your body, even though you may not appear to be intoxicated or impaired. This can be determined by a chemical test.
- **Under Age 21 Operating With Any Bodily Alcohol Content** (the Zero Tolerance law), which means having a bodily alcohol content of 0.02, but less than 0.08, or any presence of alcohol other than that consumed at a generally recognized religious ceremony.

**Following are the penalties for:  
Operating While Impaired**

**FIRST OFFENSE**

- Misdemeanor

One or more of the following:

- Up to 93 days in jail
- \$300 fine
- Up to 360 hours of community service
- 90-day license restriction
- 180-day restriction for Operating While Impaired by Drugs

- Four points on the driving record
- Court may immobilize vehicle for up to 180 days

**SECOND OFFENSE (within seven years)**

- Misdemeanor
- \$200-\$1,000 fine

One or more of the following:

- Five days-one year in jail
- 30-90 days of community service
- Minimum one-year license revocation/denial
- License plate confiscation
- 90-180 days of vehicle immobilization unless the vehicle is forfeited
- Court may order vehicle forfeiture

**THIRD OFFENSE (within 10 years)**

- Felony
- \$500-\$5,000 fine and either:
  - One-five years in jail
  - Probation with 30 days-one year in jail
- and 60-180 days of community service
- One-five years of license revocation/denial
- License plate confiscation
- One-three years of vehicle immobilization unless the vehicle is forfeited
- Vehicle registration denial
- Court may order vehicle forfeiture



**Following are the penalties for:  
Operating While Intoxicated or With The  
Presence of Schedule 1 Drugs or Cocaine**

**FIRST OFFENSE**

- Misdemeanor

One or more of the following:

- Up to 93 days in jail
- \$100-\$500 fine
- Up to 360 hours of community service
- 30/150-day license restriction and suspension
- Six points on the driving record
- Court may immobilize vehicle for up to 180 days

**SECOND OFFENSE (within seven years)**

- Misdemeanor
- \$200-\$1,000 fine

One or more of the following:

- Five days-one year in jail
- 30-90 days of community service
- Minimum one-year license revocation/denial
- License plate confiscation
- 90-180 days of vehicle immobilization unless the vehicle is forfeited
- Courts may order vehicle forfeiture

**THIRD OFFENSE (within 10 years)**

- Felony
- \$500-\$5,000 fine and either:
  - One-five years in jail
  - Probation with 30 days-one year in jail
- and 60-180 days of community service
- One-five years of license revocation/denial
- License plate confiscation
- One-three years of vehicle immobilization unless the vehicle is forfeited
- Vehicle registration denial
- Court may order vehicle forfeiture

- **If you cause serious injury**, you may face a maximum \$5,000 fine and five years in jail.
- **If you cause a death**, you may face a maximum \$10,000 fine and 15 years in jail.
- **If you cause the death of emergency personnel**, you may face a maximum \$10,000 fine and 20 years in jail.
- You also face a maximum five-year license revocation, three-year vehicle immobilization--unless forfeited--and vehicle registration denial.

**If you drive after drinking:**

You may be stopped by a law enforcement officer.

If you refuse the chemical test once, you will lose your driver's license for 12 months. Six points will be added to your driving record.

If you refuse a second time, you will lose your driver's license for two years. Six points will be added to your driving record.

**If you drink and drive, the first thing you lose is your driver's license!**

**Remember, if you are under age 21. . .**

It is illegal to consume, buy, possess, transport or have open alcohol. It is also illegal to use fraudulent identification to purchase alcohol.

Two points will be added to your driving record if you refuse the Preliminary Breath Test.

**. . . And you are stopped for drunk driving:**

- **FIRST OFFENSE:** Up to a \$250 fine or 360 hours of community service or both; 30-day license restriction and four points on driving record.
- **SECOND OFFENSE:** Up to a \$500 fine, up to 60 days of community service and up to 93 days in jail; 90-day license suspension or one-year suspension for a prior alcohol violation.



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